

Attorney Dkt. No. 51275/149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

VIA FACSIMILE to 571-273-0541 (LIE Francine
Mercer)

In re: application of:

Theoharis C. Theoharides

Filing date: 03/20/2004

Serial No.: 10/811,828

Priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004

For: Composition For Protection Against Superficial Vasodilator Flush Syndrome

Group Art Unit: 1655

Examiner: Patricia Leith

**Response to Notice of Non-Compliant Amendment and Notice of Fee
Deficiency**

Commissioner for Patents

Box 1450

Alexandria, VA 22313-1450

Mail Stop: LIE

Sir:

This is in response to the captioned two Notices, dated 05/26/2006.

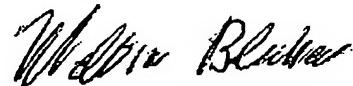
As to the notice of fee deficiency, the undersigned attorney encloses an authorization to pay the required Extension of Time fee of \$60.00.

As to the notice of non-compliant amendment, the LIE asserts that the drawings are not properly labeled. The LIE is respectfully informed that the application has no drawings. What the LIE is seeing is reference material used in traversing the restriction requirement.

Also in response to the notice of non-compliant amendment, applicant submits on a separate page a listing of the status of all pending claims.

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1 07/26/2006/FMERCER, 00000001 10811828
A255:J 10 1 01 FC:2251 60.00 OP
07/25/2006

Respectfully submitted,



Dr. Melvin Blecher

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Claim Status

40. (Original) A composition for protecting a subject from the inflammatory disease superficial vasodilator flush syndrome, said composition comprising a non-bovine heavily sulfated proteoglycan, olive kernel extract, a flavonoid compound, bitter willow bark extract, and, optionally, cyproheptadine or azatadine.

41. (Original) The composition of claim 40, wherein said proteoglycan is sulfated chondroitin sulfate.

42. (Original) The composition of claim 40, wherein said flavonoid compound is quercetin, myricetin or genistein.

43. (Original) The composition according to claim 1, wherein said Inflammatory disease is superficial vasodilation flush syndrome, said composition comprising 50 mg non-bovine chondroitin sulfate; olive kernel extract, 150-600 mg; 150-350 mg quercetin, 5% by weight bitter willow bark extract, and, optionally, 4 mg cyproheptadine or azatadine, administered daily.

44. (Original) A method of protecting against superficial vasodilator flush syndrome, comprising the oral administration of the composition of claim 40 or claim 43.

45. (Original) The composition of claim 1, wherein said syndrome is selected from the group consisting of carcinoid-induced flush, niacin-induced flush, mesenteric fraction syndrome-induced flush, and serotonin syndrome-induced flush.

Payment of one-month extension of time fee to respond to Notice of Non-Compliant Amendment and Notice of Fee deficiency dated 06/26/2006.

If the card holder include a credit card number on any form or document other than the Credit Card Payment Form, the United State Patent & Tradenlark Office will not be liable in the event that the credit card number becomes public knowledge.

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TO: Ms. Francine Mercer, LIE OF: USPTO

FAX NUMBER: 571-273-0541

FROM: Dr. Melvin Blecher

DATE/TIME: 07/25/2006

OUR REF.51275/149

NO. OF PAGES (INCLUDING COVER): 6

CLIENT REF.:

RE: Responses to Notices of Non-Compliant Amendment and Fee Deficiency dated
6/26/2006; Credit Card payment authorization.

MESSAGE